

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

UNITED STATES OF AMERICA,

Plaintiff,

v.

UNITED AIRCRAFT CORPORATION,

Defendant.

Civil Action No. 14426 [AVC]

August 26, 1998

STIPULATION

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. Defendant, United Technologies Corporation ("UTC"), formerly United Aircraft Corporation, has filed a motion requesting that the Court terminate the Final Judgment entered in this case. The United States tentatively has agreed to the termination of the Final Judgment, but as a matter of policy does not consent to the termination of judgments without public notice and an opportunity for public comments.

2. UTC will publish at its expense a notice of the proposed termination, in the form attached as Exhibit A, in (a) two consecutive issues of *The Wall Street Journal*, (b) two

consecutive issues of *Automotive News*, and (c) one issue of *Electrical World*; and an Order, in the form attached as Exhibit B, directing such publication, may be filed and entered by the Court forthwith without further notice to any party or any other proceedings.

3. The United States will publish in the Federal Register a notice announcing UTC's motion and the Department's tentative consent to it, summarizing the Complaint and Final Judgment, describing the procedures for inspection and obtaining copies of relevant papers, and inviting the submission of comments.

4. At the conclusion of the 60-day period for public comment, the United States will file with the Court copies of all comments that it receives and its response to those comments, if any.

5. An Order in the form attached hereto as Exhibit C, terminating the Final Judgment entered in this cause of action on June 11, 1973, may be filed and entered by the Court, upon the request of any party or by the Court *sua sponte*, at any time more than 70 days after the last publication of the notices required by paragraphs 2 and 3 of this Stipulation and without further notice to any party or any other proceedings, provided that the United States has not withdrawn its tentative consent, which it may do at any time before the entry of an Order terminating the Consent Decree, by filing a notice of withdrawal of its consent with the Court and serving a copy of said notice upon the other party.

6. In the event the United States withdraws its consent, or if the proposed Order terminating the decree is not entered pursuant to this Stipulation, then this Stipulation shall be of no effect whatsoever; the making of this Stipulation shall be without prejudice to any party in this or any other proceeding; and the Stipulation shall not thereafter be used in this or any other action or for any other purpose.

DATED: ____August 26, 1998_____

**FOR THE PLAINTIFF
UNITED STATES OF AMERICA**

_____/s/_____
Joel I. Klein
Assistant Attorney General
Antitrust Division

_____/s/_____
John M. Nannes
Deputy Assistant Attorney General
Antitrust Division

_____/s/_____
Rebecca P. Dick
Director, Civil Non-Merger Enforcement
Antitrust Division

_____/s/_____
Mary Jean Moltenbrey
Chief, Civil Task Force
Antitrust Division

_____/s/_____
Susan L. Edelheit
Assistant Chief, Civil Task Force
Antitrust Division

_____/s/_____
Leigh Lani T. Brown
Attorney, Civil Task Force
Antitrust Division
U.S. Department of Justice

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325 -7th Street, N.W.
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**FOR THE DEFENDANT
UNITED TECHNOLOGIES
CORPORATION**

_____/s/_____

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Counsel for United Technologies Corp.

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

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| UNITED STATES OF AMERICA, |) | |
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| <i>Plaintiff,</i> |) | |
| |) | |
| v. |) | Civil Action No. 14426 [AVC] |
| |) | |
| |) | |
| UNITED AIRCRAFT CORPORATION, |) | DATE 8/26/98 |
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| |) | |
| |) | |
| <i>Defendant.</i> |) | |
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**NOTICE OF PROPOSED TERMINATION OF THE CONSENT DECREE
ENTERED AGAINST UNITED AIRCRAFT CORPORATION ON JUNE 11, 1973**

PLEASE TAKE NOTICE that United Technologies Corporation ("UTC"), formerly United Aircraft Corporation, the named defendant in the Consent Decree entered by the Court in the above-captioned matter on June 11, 1973, has asked this Court to enter a judgment terminating the Consent Decree.

The United States has filed with the Court a memorandum setting forth the reasons why it believes that termination of the Consent Decree would serve the public interest. Copies of UTC's motion to terminate, the stipulation containing the United States' tentative consent, the United States' memorandum, and all further papers filed with the Court in connection with UTC's motion will be available for inspection at the Antitrust Documents Group of the Antitrust Division, 325- 7th Street N.W., Room 215 North, Liberty Place Building, Washington, D.C. 20530, and at the Office of the Clerk of the United States District Court for the District of Connecticut, 450 Main Street, Hartford, Connecticut 06103. Copies of any of these materials may be obtained from the Antitrust Division upon request and payment of the copying fee set by Department of Justice regulations.

Interested persons may submit comments regarding the proposed termination of the Consent Decree to the United States. Such comments must be received by the Antitrust Division within sixty (60) days and will be filed with the Court by the United States. Comments should be addressed to Mary Jean Moltenbrey, Chief, Civil Task Force, Antitrust Division, Department of Justice, 325-7th Street N.W., Suite 300, Washington, D.C. 20530.

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

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| UNITED STATES OF AMERICA, |) | |
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| <i>Plaintiff,</i> |) | |
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| v. |) | Civil Action No. 14426 [AVC] |
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| |) | Date _____ |
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| UNITED AIRCRAFT CORPORATION, |) | |
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| <i>Defendant.</i> |) | |
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**ORDER ESTABLISHING NOTICE AND PUBLIC COMMENT
PROCEDURES FOR MOTION TO TERMINATE CONSENT DECREE**

Defendant, United Technologies Corporation ("UTC"), formerly United Aircraft Corporation, having moved for an order terminating the Consent Decree entered by this Court in 1973 in this case, and Plaintiff, the United States of America, having tentatively consented to said motion, and Plaintiff having proposed, and Defendant having agreed, that notice of the motion and the United States' tentative consent be published at the expense of Defendant, and that all interested persons be given an opportunity to submit comments concerning

the proposed termination of the Consent Decree, and it appearing to the Court desirable to invite such comments, and in consideration of the Stipulation of the parties dated August 24, 1998, it is:

ORDERED, that the Defendant, UTC, publish at its own expense a notice in the form attached hereto as Exhibit "A" in two consecutive issues of (a) *The Wall Street Journal* and (b) *Automotive News*, and in one issue of (c) *Electrical World*, and file proof of such publication with the Court; and it is:

FURTHER ORDERED, that copies of all comments received by Plaintiff within sixty (60) days after the last publication of notices required by this Order shall be filed with this Court by Plaintiff promptly after it receives such comments; and it is:

FURTHER ORDERED, that this Court will not rule upon the motion of UTC until at least the seventieth (70th) day after the last publication of the notice required by this Order.

DONE, this _____ day of _____, 199_.

UNITED STATES DISTRICT JUDGE

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

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| UNITED STATES OF AMERICA, |) | |
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| <i>Plaintiff,</i> |) | |
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| v. |) | Civil Action No. 14426 [AVC] |
| |) | |
| |) | Date _____ |
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| UNITED AIRCRAFT CORPORATION, |) | |
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| <i>Defendant.</i> |) | |
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JUDGMENT TERMINATING CONSENT DECREE

This cause having come on to be heard on the motion of United Technologies Corporation ("UTC"), formerly United Aircraft Corporation, for termination of the Final Judgment entered in this case on June 11, 1973, and the United States of America having represented to the Court that it has no objection to the motion, and notice of the motion having been published in the Federal Register, *The Wall Street Journal*, *Electrical World* and *Automotive News*, and all interested parties having been given an opportunity to submit comments

concerning the proposed termination of the Consent Decree, and the Court having considered all papers and comments filed in connection with this motion and the Court finding that it is in the public interest to terminate the Consent Decree, it is,

ORDERED, ADJUDGED AND DECREED:

That said Final Judgment is hereby terminated.

Dated: _____

UNITED STATES DISTRICT JUDGE